

AMENDED IN ASSEMBLY APRIL 6, 2011  
AMENDED IN ASSEMBLY MARCH 24, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 807**

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**Introduced by Assembly Member Solorio**

February 17, 2011

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An act to amend Section 1808.1 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 807, as amended, Solorio. Vehicles: ~~pull-notice system: driver reports.~~ *drivers regularly employed by a business: periodic reports.*

Existing law requires ~~an~~ *the prospective* employer of a driver who drives a specified vehicle, including a vehicle for which the driver is required to have a class A or B license, to ~~participate in a pull-notice system, for the purpose of providing the employer with~~ *obtain* a report *showing the driver's current public record as recorded by the Department of Motor Vehicles, and the employer of the driver to obtain* an additional periodic report *at least* every 12 months, ~~that shows, among other things, the driver's current public record as recorded by the Department of Motor Vehicles.~~ Existing law requires that those reports be presented upon request or upon demand, as applicable, to an authorized representative of the Department of the California Highway Patrol during regular business hours.

This bill would require that *the prospective employer of* a taxicab transportation service, as specified, also ~~receive those reports~~ *obtain the report* and that *the employer of the taxicab transportation service additionally obtain a periodic report from the department at least every*

12 months. The bill would require that the reports be presented upon request or upon demand, as applicable, to an authorized representative of the administrative agency responsible for issuing permits to taxicab transportation services during regular business hours.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1808.1 of the Vehicle Code is amended  
2 to read:

3 1808.1. (a) The prospective employer of a driver who drives  
4 a vehicle specified in subdivision (k) or *the prospective employer*  
5 of a driver of a taxicab transportation service as described pursuant  
6 to subdivision (a) of Section 53075.5 of the Government Code  
7 shall obtain a report showing the driver's current public record as  
8 recorded by the department. For purposes of this subdivision, a  
9 report is current if it was issued less than 30 days prior to the date  
10 the employer employs the driver. The report shall be reviewed,  
11 signed, and dated by the employer and maintained at the  
12 employer's place of business until receipt of the pull-notice system  
13 report pursuant to subdivisions (b) and (c). These reports shall be  
14 presented upon request, during regular business hours, to an  
15 authorized representative of the Department of the California  
16 Highway Patrol or to an authorized representative of the  
17 administrative agency responsible for issuing permits to taxicab  
18 transportation services pursuant to Section 53075.5 of the  
19 Government Code.

20 (b) The employer of a driver who drives a vehicle specified in  
21 subdivision (k) shall participate in a pull-notice system, which is  
22 a process for the purpose of providing the employer with a report  
23 showing the driver's current public record as recorded by the  
24 department, and any subsequent convictions, failures to appear,  
25 accidents, driver's license suspensions, driver's license revocations,  
26 or any other actions taken against the driving privilege or  
27 certificate, added to the driver's record while the employer's  
28 notification request remains valid and uncanceled. As used in this  
29 section, participation in the pull-notice system means obtaining a  
30 requester code and enrolling all employed drivers who drive a  
31 vehicle specified in subdivision (k) under that requester code.

(c) The employer of a driver of a vehicle specified in subdivision (k) or *the employer of* a driver of a taxicab transportation service as described pursuant to subdivision (a) of Section 53075.5 of the Government Code shall, additionally, obtain a periodic report from the department at least every 12 months. The employer shall verify that each employee's driver's license has not been suspended or revoked, the employee's traffic violation point count, and whether the employee has been convicted of a violation of Section 23152 or 23153. The report shall be signed and dated by the employer and maintained at the employer's principal place of business. The report shall be presented upon demand, during regular business hours, to an authorized representative of the Department of the California Highway Patrol or to an authorized representative of the administrative agency responsible for issuing permits to taxicab transportation services pursuant to Section 53075.5 of the Government Code.

(d) Upon the termination of a driver's employment, the employer shall notify the department to discontinue the driver's enrollment in the pull-notice system.

(e) For the purposes of the pull-notice system and periodic report process required by subdivisions (b) and (c), an owner, other than an owner-operator as defined in Section 34624, and an employer who drives a vehicle described in subdivision (k) shall be enrolled as if he or she were an employee. A family member and a volunteer driver who drives a vehicle described in subdivision (k) shall also be enrolled as if he or she were an employee.

(f) An employer who, after receiving a driving record pursuant to this section, employs or continues to employ as a driver a person against whom a disqualifying action has been taken regarding his or her driving privilege or required driver's certificate, is guilty of a public offense, and upon conviction thereof, shall be punished by confinement in a county jail for not more than six months, by a fine of not more than one thousand dollars (\$1,000), or by both that confinement and fine.

(g) As part of its inspection of bus maintenance facilities and terminals required at least once every 13 months pursuant to subdivision (c) of Section 34501, the Department of the California Highway Patrol shall determine whether each transit operator, as defined in Section 99210 of the Public Utilities Code, is then in compliance with this section and Section 12804.6, and shall certify

1 each operator found to be in compliance. Funds shall not be  
2 allocated pursuant to Chapter 4 (commencing with Section 99200)  
3 of Part 11 of Division 10 of the Public Utilities Code to a transit  
4 operator that the Department of the California Highway Patrol has  
5 not certified pursuant to this section.

6 (h) (1) A request to participate in the pull-notice system  
7 established by this section shall be accompanied by a fee  
8 determined by the department to be sufficient to defray the entire  
9 actual cost to the department for the notification service. For the  
10 receipt of subsequent reports, the employer shall also be charged  
11 a fee established by the department pursuant to Section 1811. An  
12 employer who qualifies pursuant to Section 1812 shall be exempt  
13 from any fee required pursuant to this section. Failure to pay the  
14 fee shall result in automatic cancellation of the employer's  
15 participation in the notification services.

16 (2) A regularly organized fire department, having official  
17 recognition of the city, county, city and county, or district in which  
18 the department is located, shall participate in the pull-notice  
19 program and shall not be subject to the fee established pursuant  
20 to this subdivision.

21 (i) The department, as soon as feasible, may establish an  
22 automatic procedure to provide the periodic reports to an employer  
23 by mail or via an electronic delivery method, as required by  
24 subdivision (c), on a regular basis without the need for individual  
25 requests.

26 (j) (1) The employer of a driver who is employed as a casual  
27 driver is not required to enter that driver's name in the pull-notice  
28 system, as otherwise required by subdivision (a). However, the  
29 employer of a casual driver shall be in possession of a report of  
30 the driver's current public record as recorded by the department,  
31 prior to allowing a casual driver to drive a vehicle specified in  
32 subdivision (k). A report is current if it was issued less than six  
33 months prior to the date the employer employs the driver.

34 (2) For the purposes of this subdivision, a driver is employed  
35 as a casual driver when the employer has employed the driver less  
36 than 30 days during the preceding six months. "Casual driver"  
37 does not include a driver who operates a vehicle that requires a  
38 passenger transportation endorsement.

39 (k) This section applies to a vehicle for the operation of which  
40 the driver is required to have a class A or class B driver's license,

1 a class C license with a hazardous materials endorsement, a class  
2 C license issued pursuant to Section 12814.7, or a certificate issued  
3 pursuant to Section 12517, 12519, 12520, 12523, 12523.5, or  
4 12527, or a passenger vehicle having a seating capacity of not  
5 more than 10 persons, including the driver, operated for  
6 compensation by a charter-party carrier of passengers or passenger  
7 stage corporation pursuant to a certificate of public convenience  
8 and necessity or a permit issued by the Public Utilities  
9 Commission.

10 (l) This section shall not be construed to change the definition  
11 of “employer,” “employee,” or “independent contractor” for any  
12 purpose.

13 (m) A motor carrier who contracts with a person to drive a  
14 vehicle described in subdivision (k) that is owned by, or leased to,  
15 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),  
16 (f), (j), (k), and (l) and the employer obligations in those  
17 subdivisions.